

REMARKS

1. Preliminary Remarks

a. Status of Claims

Claims 1-17, 20-23, 27, and 30-32 are pending in this application. Claims 1-17, 20-23, 27 and 30-32 are canceled without prejudice. Claims 33-35 are new. Applicant respectfully requests entry of the amendments and remarks made herein into the file history of the application. Upon entry of the amendment, claims 30-32 will be pending and under active consideration.

b. Amendment to the Claims

In order to expedite prosecution and without prejudice to seeking claims of similar scope in a continuing application, claims 1-17, 20-23, 27, and 30-32 are canceled. Claim 33 is directed to an N-[[[piperazinyl]hetaryl]arylsulfonamide compound wherein the compound is N-[6-(4-Allylpiperazin-1-yl)pyridin-3-yl]-4-isopropylbenzenesulfonamide. Support for claim 33 can be found throughout the specification, for example, Example 1. Claim 34 is directed to a pharmaceutical composition which comprises at least one compound as claimed in claim 33 and/or at least one physiologically tolerated acid addition salt of I and/or an N-oxide of I together with physiologically acceptable carriers and/or auxiliary substances. Support for claim 33 can be found in originally filed claim 23. New claim 34 is directed to method for treating a medical disorder susceptible to treatment with a dopamine D3 receptor antagonist or a dopamine D3 agonist, the medical disorder selected from the group consisting of Parkinson's disease and schizophrenia, said method comprising administering an effective amount of the compound of claim 30 to a subject in need thereof. Support for new claim 34 can be found throughout the specification, for example, originally filed claim 27.

c. Objection to the Specification

On page 2 of the Office Action, the Examiner objected to priority claim of the instant application. The "Cross Reference to Related Applications" at page 1 of the present specification is amended to clarify the parent application history associated with this application. The Applicant respectfully submits the amendment now clearly and accurately portrays the priority claim of the instant application. In view of the foregoing amendment, Applicant respectfully request withdrawal of the objection.

d. Nonstatutory Obviousness-type Double Patenting

On pages 2 and 3 of the Office Action, the Examiner rejects claims 1-17, 20-23, and 30-32 on grounds of nonstatutory obviousness-type double patenting. Specifically, the Examiner asserts that claims 1-17, 20-23, and 30-32 of the instant application are unpatentable over the claims and description of U.S. Patent No. 7,320,979 (hereafter the "979 Patent"). As stated previously, Applicant either intends

to address the material differences between the claimed invention and U.S. Patent No. 7,320,979 or file a terminal disclaimer upon indication of allowable subject matter.

2. Patentability Remarks

a. 35 U.S.C. §101

On page 3 of the Office Action, the Examiner rejects claims 1-17, 20-23, and 27 under 35 U.S.C. §101 for allegedly claiming the same invention as that of claims 1-22 of U.S. Patent No. 7,320,979.

The Applicant respectfully submits that the Examiner's rejection is moot in view of the cancellation of claims 1-17, 20-23, and 30-32. Accordingly, Applicant respectfully requests that the rejection of claims 1-17, 20-23, 27 and 30-32 under 35 U.S.C. §101 for allegedly claiming the same invention as that of claims 1-22 of U.S. Patent No. 7,320,979 should be withdrawn.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHUGHART PC

Dated: December 23, 2009

On behalf of: Lisa V. Mueller
Registration No. 38978

By: /Paul A Jenny/
Paul A. Jenny
Registration No. 59014
Customer No. 23492

POLSINELLI SHUGHART PC
161 N. Clark Street, Suite 4200
Chicago, IL 60601
312.819.1900 (main)
312.602.3955 (E-fax)
312.873.3632 (direct)